IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 435 (S/B) 2001

Anirudh Bishnoi,
And thirty eight others ..... Petitioners

Versus

Chairman and Managing Director,
And one another. ..... Respondents

Mr. Rakesh Tahpaliyal, Advocates, for the Petitioner.
Mr. U.K. Uniyal, Advocate for the respondent.

Coram: Hon. S.H. Kapadia, C.J.
Hon. Rajesh Tandon, J.

Dated: 09.09.2003:

PC:

The petitioners were recruited in the year 1990. They were appointed as trainees in the Tehri Hydro Development Corporation Ltd. Under the promotion policy dated 1.7.1993 it was stipulated that in order to become eligible for promotion from grade E-1 to Grade E-2, a minimum length of service for three years was necessary. Similar stipulation was made for promotion from E-3 to E-4 and E-5. According to the petitioners, however, from computing three years length of service of petitioners in E.-1 grade, the training period of one year was not taken into account. The petitioners and similarly situated persons made representations to the Board of Directors. Pursuant to the representations made to the Board of Directors and policy decision was taken by the Corporation to include and count training period while computing three years service. However, that promotion policy was bought into force from 1.7.1994. It is the case of the petitioners that this promotions policy should be made applicable right from 1990. Therefore, this petition is filed.

We are not inclined to interfere in this writ petition. It is the corporation to decide the cut off year in respect of the promotion policy. It is for the Corporation to decide from which year the promotion policy should be amended. We do not see any mala fide in the decision of the Corporation. Lastly, to intervene at this stage would result in disastrous consequences as

large number of employees have been promoted under the policy which came into force from 1.7.1994. This promotion policy has been in force for the last more than ten years. Therefore, we do not wish to interfere under Article 226 of the Constitution.

Writ petition is rejected.

(Rajesh Tandon, J.) **(S.H. Kapadia, C.J.)**

AK.